

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE CHICAGO REGIONAL )  
COUNCIL OF CARPENTERS PENSION FUND, et al., )  
  )  
  )  
  Plaintiffs, ) Case 16 cv 9165  
  )  
  )  
  ) Judge Alonso  
v.  )  
  )  
AMERICAN MECHANICAL, INC., )  
  )  
  )  
  Defendant. )

**MOTION FOR ENTRY OF A PARTIAL JUDGMENT AND**  
**TO OPEN DISCOVERY**

Plaintiffs, by its attorney, David Whitfield, move this Honorable Court to enter a partial judgment and open discovery in the pending matter, and in support state:

1. On March 7, 2019, this Court granted Plaintiffs' motion for summary judgment and granted Plaintiffs' judgment in the amount of \$53,225.63. Further, this Court stated that Plaintiffs are granted 28 days to file a motion for reasonable attorney's fees. (Exhibit A, Judgement and Docket Text)

2. The Defendant owes \$26,754.25 for necessary and reasonable attorney fees and costs which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements, and 29 U.S.C. §1132(g)(2)(D). (Exhibit B, Sworn Declaration of David Whitfield)

3. On May 23, 2017, this Court consolidated case 16 cv 9531 into case 16 cv 9165 ("ORDER. The Court therefore grants defendant's motion 32 , finds that this case is related to 16 CV 9531 within the meaning of Local Rule 40.4 and that 16 CV 9531 should be reassigned to this Court's calendar, and respectfully requests that the Executive Committee so reassign 16 CV 9531. Once the case is reassigned, the Court will stay discovery in 16 CV 9531 pending its summary judgment ruling in the instant case. Signed by the Honorable Jorge L. Alonso on 6/23/2017. Notice mailed by judge's staff (ntf.) (Entered: 06/23/2017)"). This Court found that both cases revolved around the central issue of whether or not the Defendant is bound by the terms of the Collective Bargaining Agreement. This Court found it rational to stay discovery pending a ruling on that issue.

4. On March 7, 2019, this Court found the Defendant was and is bound to the Collective Bargaining Agreement. Therefore, Plaintiffs are entitled to discovery to ensure the Defendant has complied with the terms and conditions of the Collective Bargaining Agreement and Trust Agreements.

WHEREFORE, Plaintiffs pray that judgment be granted in the amount of \$79,979.88, that the stay of discovery is vacated, and this case is reopened.

Respectively submitted,

/s/ David Whitfield  
Attorney for Plaintiffs

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